

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Waste Management

4 (Repealer)

5 401 KAR 42:315. Repeal of 401 KAR 42:314.

6 RELATES TO: KRS 224.10, 224.60

7 STATUTORY AUTHORITY: KRS 224.60-130

8 NECESSITY, FUNCTION AND CONFORMITY: KRS 224.60-130(1)(a) requires the
9 establishment of criteria to be met by persons who contract to perform corrective action. This
10 administrative regulation repeals 401 KAR 42:314 Contractor Certification for Individuals. The
11 Division of Waste Management no longer requires certification for individual contractors.

12 Section 1. 401 KAR 42:314 Contractor Certification for Individuals is hereby repealed.

401 KAR 42:315 approved for filing.

Date

Leonard K. Peters, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2011 at 10:00 A.M. (Eastern Time) at 300 Fair Oaks, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by May 17, 2011, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2011. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Cassandra Jobe
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Email: Cassandra.Job@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cassandra Jobe

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation repeals 401 KAR 42:314.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because the agency is no longer going to require individual certification of contractors for cleanup of underground storage tank sites.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The authorizing statute requires corrective action at petroleum underground storage tank facilities to be done by a certified company. The agency is going to look at eligible companies and partnerships instead of individuals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist in the effective administration of the statute by removing individual contractor certification requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment repeals the individual contractor certification requirements for corrective action at UST facilities.

(b) The necessity of the amendment to this administrative regulation:

The repeal is necessary because the agency is no longer going to require individual contractor certification

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment conforms to the statute by repealing individual contractor certification requirements. The agency will instead look at eligible company and partnerships.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will assist in the effective administration of the statute by repealing individual contractor certification requirements. The agency will instead look at eligible company and partnerships.

(3) List the type and number of individuals, businesses, organizations, or state and local

governments affected by this administrative regulation:

Environmental consultants will be affected. There will no longer be a requirement for individual contractor certification.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The entities will only have to apply for company or partnership eligibility as opposed to individual certification.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

It will not cost additional money for the company to apply for eligibility, as opposed to individual contractor certification.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Not applicable

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost associated with repealing this administrative regulation.

(b) On a continuing basis: There will be no cost associated with repealing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Not applicable

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This repealer does not involve any fees.

(9) TIERING: Is tiering applied? (Explain why or why not)

No tiering is applied.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 401 KAR 42:315

Contact Person: Cassandra Jobe

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Division of Waste Management

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 224.60-130(1)(a)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This repeal will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This repeal will not generate revenue.

(c) How much will it cost to administer this program for the first year?

This repeal will not cost the agency additional funding.

(d) How much will it cost to administer this program for subsequent years?

This repeal will not cost the agency additional funding.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: